

IN RE: COURT ASSISTANCE)
SERVICES)
_____)

**ORDER ADOPTING GUIDELINES
AND REQUIREMENTS**

The Court having reviewed proposed Guidelines and Requirements for Court Assistance Services, as approved by the Access to the Courts Committee and recommended by the Administrative Conference,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following Guidelines and Requirements for Court Assistance Services are adopted pursuant to Rule 53(f) of the Idaho Court Administrative Rules.

**GUIDELINES AND REQUIREMENTS FOR
COURT ASSISTANCE SERVICES**

SCOPE AND PURPOSE: These guidelines and requirements are adopted pursuant to Rule 53 of the Idaho Administrative Rules. They are intended to define the minimal level of court assistance services which must be provided in every county of the state, as well as the types of assistance which should be provided once required training has been received. They are also intended to provide guidance on the difference between legal information and prohibited legal advice.

LIMITED COURT ASSISTANCE SERVICES: In counties where the appointment of a Court Assistance Officer qualified to provide a full range of court assistance services is not feasible, the District Court Clerk shall appoint a Deputy Clerk to provide the following minimum level of court assistance services:

- A. Pamphlets:** Pamphlets containing general legal and referral information approved by the Court Assistance Office Director for distribution should be made available at every courthouse.
- B. Videos:** Court approved videos should either be made available for viewing at the Courthouse if there are suitable facilities for viewing, or checked out from the Deputy

Clerk for viewing away from the courthouse. A person may also be referred to a nearby public library to check out and view copies of these tapes.

- C. Forms and Instructions:** A minimum selection of Court forms and instructions approved by the Supreme Court for statewide use should be available for distribution at every courthouse either in the form of copies, or on digital media. Forms not authorized or approved under the Supreme Court's Form Development Policy may not be distributed. In limited service offices, the selection of forms and instructions should include at least the following:

All Form Packets for Divorce

All Form Packets for Custody, Paternity and Support

All Form Packets for Modifications

All Form Packets for Name Change Petitions

All Form Packets for Landlord-Tenant Proceedings

All Forms for Small Claims Proceedings

All Forms for Domestic Violence Proceedings

Any other form required by statute to be provided by the Court

- D. Other services:** Additional services should be offered as the Deputy Clerk becomes qualified to provide those services through an approved course of instruction.

FULL COURT ASSISTANCE SERVICES: Court Assistance Officers who have completed an approved course of instruction may provide the following services in addition to those provided in limited service offices:

- A. Evaluation and Referral to Legal Service Providers:** Information and general referrals to legal service providers such as the Idaho State Bar, Idaho Legal Aid Service, Idaho Volunteer Lawyer Program, and Local Attorney Rosters, should be provided to anyone needing or requesting legal advice. For those programs which have provided eligibility information, assistance in evaluating eligibility for those services may also be provided.
- B. Referral to Other Government and Private Agencies:** A person inquiring about services which may be provided by another governmental or private agency, should be given general information about those services such as that found in the Idaho Directory of Legal Services List maintained on the Court Assistance Website.
- C. Information and Referral to Alternative Dispute Resolution Services:** Information and general referrals to alternative dispute resolution service providers, such as Rosters of Court Approved Mediators and information on the process of Mediation, should be provided to anyone who may benefit from or inquire about those options.
- D. Referral to Hotline Services:** Information and referrals to Hotline Services, such as the Idaho Legal Aid Services Domestic Advice Hotline or Senior Hotline, the Idaho Law Foundation Legal Resource Line, and the Idaho State Law Library's telephone legal

research assistance hotline, should be provided to anyone who may benefit from, or inquire about matters within the scope of those Hotline Services.

- E. Information and Referral to Legal Research Resources:** Referrals and information on access to legal research materials should be provided to anyone who may benefit from, or inquire about those services. The scope of this type of referral would include information about county and state law libraries, court sponsored websites on the internet, and other websites which might provide pro bono assistance on legal research.
- F. Computer Assistance:** Assistance in obtaining case information on public access computers, obtaining court forms and information from the Court Assistance Office Websites, or utilizing court accepted software programs such as for the calculation of child support, should be provided to anyone who may not have the computer skills necessary to access those resources.
- G. Workshop Referrals:** Anyone who may benefit from, or inquire about Workshops on parent education, divorce orientation, custody and children, or other court or family related workshops which may be available locally, should be provided information on those programs, the dates they are available, and the cost of participation.
- H. Coordination of Workshops:** A Court Assistance Officer may coordinate and participate in the operation of workshops which provide assistance in completing court approved forms or education on court procedures and appropriate conduct in court.
- I. Legal Advice Clinics and Attorney Rosters:** A Court Assistance Officer may recruit attorneys to participate in legal advice clinics and attorney referral rosters and coordinate the operation of those services.
- J. Information and Referrals to Family Court Services:** Information about services available through Family Court Services offices should be provided to anyone who may benefit from, or inquire about those types of services.
- K. Court Forms and Instructions:** Access to all court forms and instructions approved for statewide or piloted use should be provided, with copies available at a cost consistent with the Idaho Supreme Court's Cost Recover Fee Schedule. Information and assistance on how to obtain court approved forms over the internet should also be provided.
- L. Form Review:** A review of court approved forms prior to filing to ensure the forms have been properly completed should be provided upon request.
- M. Court File Review:** Upon request, or pursuant to local administrative rule or order by the judge assigned to the case, a court file may be reviewed to ensure all necessary forms have been completed and submitted, so any problems can be corrected prior to a hearing.
- N. Public Information and Outreach:** Court Assistance Officers may participate in local activities designed to publicize and explain the services available through Court Assistance Offices, and may communicate general information about their office to local governmental authorities.

CONDUCT GUIDELINES: The following principles apply to all personnel providing court

assistance services:

(1) GENERAL PRINCIPLES:

- A. **Neutrality:** Those providing assistance under these guidelines must do so in a fair and impartial way. They must never give assistance for the purpose of favoring one court user over the other, but rather must share all available information to both sides.
- B. **Confidentiality:** Although patrons are notified the information they provide or discuss in obtaining court assistance services is not covered by any privilege against disclosure, that information should not be shared with others outside the court except for purposes of referral and within the court only in support of the services being provided.
- C. **Legal information versus legal advice:** Court Assistance Officers and Deputy Clerks cannot provide legal advice, but can provide legal information. In providing the services described above, this distinction should always be maintained and fall within the areas of permissible assistance outlined in the following guidelines.

(2) GUIDELINES FOR PROVIDING LEGAL INFORMATION: The following definitions are adopted to assist Court Assistance Officers and Deputy Clerks in providing appropriate legal information, while avoiding providing legal advice:

- A. **Legal Information Defined:** Legal Information is a written or oral statement that describes court personnel, facilities and procedures, legal terminology, available written forms and instructions, or possible permissible courses of conduct for litigants when that statement:
 - a. Provides general information applicable to a class of litigants rather than only to the specific litigant being assisted;
 - b. Requires only knowledge of court processes and generally known legal concepts and practices.
- B. **Legal Advice Defined:** Legal advice is a written or oral statement which:
 - a. Interprets the law;
 - b. Recommends a specific course of conduct to a litigant in an actual or potential legal proceeding;
 - c. Applies the law to the individual litigant's specific factual circumstances.
- C. **District Court Clerk's Manual:** Because it is not possible to provide guidelines which anticipate every situation or request which may be received through Court Assistance Offices, these general principles are implemented through examples found in the District Court Clerk's Manual as well as in approved courses of instruction required under these Guidelines.

TRAINING AND EDUCATION: Court Assistance Officers and Deputy Clerks may provide those services for which they have received training through courses of instruction approved by

the Court Assistance Office Director. In order to provide services described in the full service categories, participation in programs for full service offices is required. For limited service offices, on site training by the Director, or his designee, or attendance at approved courses of instruction designed for Limited Service offices is required.

ADMINISTRATIVE REQUIREMENTS: Court Assistance Officers and Deputy Clerks shall comply with all administrative requests, which include, but are not limited to, the following:

- A. Intake and Record Keeping:** Intake forms required by the Administrative Office of the Courts shall be completed and timely submitted to that office. Records relating to the number of people served, types of services, and other similar information shall be maintained as requested by the Administrative Office of the Courts.
- B. Participation in Court Assistance Evaluations:** Court Assistance Officers shall respond to requests for assistance on evaluations of court connected services by the Administrative Office of the Courts.
- C. Training for Other Court Assistance Officers:** At the request of the Director, a Court Assistance Officer may provide training to other officers and/or court personnel.

QUALIFICATIONS: Staff selected to serve as Court Assistance Officers should have a legal background or experience in the operation of the courts, basic computer skills, as well as good public relations skills. Qualified staff would include attorneys, Deputy Court Clerks, and other individuals with experience in providing other types of court connected or similar types of public and customer services.

IT IS FURTHER ORDERED, that this Order shall be effective on the 1st day of July, 2006.

DATED this __15th__ day of __June__, 2006.

By Order of the Supreme Court

_____/s/_____
Gerald F. Schroeder
Chief Justice

ATTEST: _____/s/_____
Clerk